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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,795	09/23/2003	Sophie Gabriele	S1022.81032US00	4105
23628 7590 05/14/2008 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
GELAGAY, SHEWAYE				
ART UNIT		PAPER NUMBER		
2137				
MAIL DATE		DELIVERY MODE		
05/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,795

Applicant(s)

GABRIELE ET AL.

Examiner

SHEWAYE GELAGAY

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 8, 2008 has been entered.

2. Claims 1-7 and 9-10 are pending.

Response to Arguments

3. Applicant's arguments filed February 8, 2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson, Jr. (hereinafter Peterson) US Patent Number 5,857,020 in view of Applicants Admitted Art (hereinafter Admission).

As per claims 1 and 9:

Peterson teaches a system for detecting an exceeding of time conditions of at least one application executed by a processor, comprising: a storage element for storing the time conditions, wherein said time conditions comprise deadlines and are stored by an increasing deadline order; (figure 2; col. 4, line 21-col. 5, line 3; col. 8, lines 15-65) a memory for storing a time condition closest to a current date of the system; and (col. 6, lines 2-16; col. 8, lines 15-65col. 9, lines 33-66) and a comparator for comparing a deadline of the time condition contained in said register with the current date of the system; updating the work register by introducing to a next time condition from the time conditions stored in the storage element, wherein the next time condition is next closest to the current date. (col. 6, lines 18-41; col. 8, lines 15-65; col. 10, lines 2-19) Peterson does not explicitly disclose a work register; and if the current date of the system exceeds the deadline: providing an interrupt to the processor. Admission in analogous art, however, teaches disclose a work register; and if the current date of the system exceeds the deadline: providing an interrupt to the processor. (page 1, pp. 6-8) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the system disclosed by Peterson with Nishino in order enable access dependent upon timed availability to a secured content provisioned on a

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storage medium. (col. 1, lines 6-9; Peterson)

As per claim 2:

The combination of Peterson and Admission teaches all the subject matter as discussed above. In addition, Peterson further discloses a system comprising a timer for calculating the current date of the system, said timer being separate from a counter used by the processor. (col. 5, line 66-col. 6, line 2)

As per claims 3 and 10

The combination of Peterson and Admission teaches all the subject matter as discussed above. In addition, Peterson discloses a system wherein said storage element contains, with each stored time condition, an identifier of an application with which the time condition is associated. (figure 1; col. 5, line 15-17)

As per claim 4:

The combination of Peterson and Admission teaches all the subject matter as discussed above. In addition, Peterson further discloses a system wherein said storage element contains, with each time condition, an identifier of a monitored type of event. (col. 4, lines 29-67)

As per claim 5:

The combination of Peterson and Admission teaches all the subject matter as discussed above. In addition, Peterson further discloses a system for managing rights of use of a digital content linked to at least one time condition, exploiting the detection system of claim 1. (col. 4, line 21-col. 5, line 3; col. 6, lines 18-41; col. 10, lines 2-19)

As per claim 6:

The combination of Peterson and Admission teaches all the subject matter as discussed above. In addition, Peterson further discloses a method comprising, upon each execution of a new application: inputting a new time condition corresponding to the new application into said storage element so as to maintain storing the time conditions in said storage element in the increasing deadline order; (col. 4, line 22-col. 5, line 3) and updating said register if the new time condition is the closest to the current date. (col. 4, line 22-col. 5, line 3; col. 8, lines 33-51; col. 9, lines 62-66; col. 10, lines 15-19)

As per claim 7:

The combination of Peterson and Admission teaches all the subject matter as discussed above. In addition, Peterson further discloses a method comprising, at each stop of the at least one application being executed: updating the storage element by deleting a time condition corresponding to the at least one application; (col. 8, lines 40-64; col. 10, lines 15-19) and updating said register if the deleted time condition has a deadline closest to the current data by placing in said register a next time condition from the time conditions stored in the storage element. (col. 8, lines 40-64; col. 10, lines 15-19)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEWAYE GELAGAY whose telephone number is (571)272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. G./

Examiner, Art Unit 2137

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137